

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY BARTUNEK,

Defendant.

**8:17CR28**

**ORDER**

On August 24, 2017, a hearing was held before the Court on Defendant's Request for Additional Discovery. This motion was decided by separate order. During the hearing, Defendant made an oral motion to receive at least 48 hours' notice prior to a hearing and to have his papers in the holding cell once he arrives at the United States District Courthouse. Defendant also made an oral request for an extension of time to file any objections to the Findings and Recommendation entered on August 9, 2017 ([Filing No. 184](#)).

Having considered the matter,

**IT IS ORDERED** as follows:

1. Defendant's Request for at least 48 hours' notice before a hearing is granted. If Defendant is notified by fax of a hearing, the hearing will not be set for a time less than 48 hours after transmission of the fax. If Defendant is notified of a hearing by mail, the hearing will not be set for a time less than 7 days after the mailing.

2. The Court has consulted with the U.S. Marshals. Defendant will be allowed to have his paperwork with him in the holding cell once he arrives at the United States District Courthouse. Therefore, Defendant's oral motion seeking this relief is granted.

3. Defendant's oral request for an extension of time to file a response to the Findings and Recommendation ([Filing No. 184](#)) is granted. The deadline for filing objections to the Findings and Recommendation, which is currently September 11, 2017, is extended to September 25, 2017. The ends of justice have been served by granting such motion and outweigh the interests of the public and Defendant in a speedy trial. The additional time arising as a result of the granting of the motion, *i.e.*, the time between August 24, 2017, and September 25, 2017, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason Defendant, who is proceeding *pro se*, requires additional time to prepare his response to the Findings and Recommendation. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B). Defendant has no objection to the exclusion of this time from the speedy trial calculation and waived speedy trial on the record.

4. The clerk's office is directed to mail a copy of this Order to Defendant.

Dated this 24<sup>th</sup> day of August, 2017.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge